

CITY OF PORT ALBERNI

BYLAW NO. 4144

A BYLAW TO REGULATE BLASTING WITHIN
THE LIMITS OF THE CITY OF PORT ALBERNI

WHEREAS Section 933(1)(b) of the Municipal Act provides that the Council may by bylaw regulate the use of any explosive agent for blasting and regulate persons engaged in the blasting and require persons engaged in blasting to give security for damage to persons who, or whose property, may be injured by it;

NOW THEREFORE The Municipal Council of the City of Port Alberni, Open Meeting Assembled, enacts as follows:

Title

1. This bylaw may be known and cited for all purposes as "Blasting Bylaw".

Worker's Compensation Board of British Columbia Regulations

2. All of the provisions and regulations as contained in the "EXPLOSIVES" Section of the "ACCIDENT PREVENTION REGULATIONS" as issued by the Workers' Compensation Board of British Columbia shall be incorporated in and form part of this Bylaw and the provisions contained therein shall govern all aspects of the work except as otherwise provided under clause 2 herein. The latest revised edition of these regulations shall be applicable.

Municipal Regulations

3. (a) No person shall conduct or carry on any blasting within the limits of the City of Port Alberni unless such person shall have first obtained a Blasting Permit from the City Engineer in the form attached hereto and marked Schedule "A" of this bylaw. An applicant for a blasting permit shall submit with his application for approval, a fee prescribed in the current Fees and Charges Bylaw.

(b) Blasting Permits shall only be issued to holders of a valid blaster's certificate as issued by the Worker's Compensation Board of British Columbia.

- (c) No permit for blasting shall be issued by the City Engineer until the applicant has provided the Engineer with security for and against all loss, claims, damage, or demands which may be made in consequence of such blasting. Such security shall consist of a liability insurance policy which provides for the following minimum requirements:
 - (i) Bodily Injury Liability\$2,000,000
 - (ii) Property Damage Liability\$2,000,000
 - (iii) "No Deductibles" shall be permitted in either of the above and no exclusions relating to liability within the defined radii of the blast.

When in the opinion of the City Engineer the blasting operations are of a minor nature, the applicant may post alternative security in the form of a guarantor bond or cash deposit in such amount and upon such terms as the City Engineer shall determine at the time of application.

- (d) The liability of the person holding the blasting permit is in no way limited to the amount of the security required to be posted.
- (e) The City Engineer shall have the power at any time to cancel or suspend any permit, if, in the opinion of the City Engineer, such blasting operations are carried on thereunder in an incompetent, dangerous, negligent, or unsafe manner, by giving written notice thereof to the holder of such permit by registered post, or by delivery to him in person, and such permit shall thereupon be immediately cancelled, and the holder thereof shall immediately return the same to the City Engineer; and no person whose blasting permit has been cancelled or suspended shall engage in or carry on blasting within the City.
- (f) All blasting within the City shall be carried out between the hours of 7:00 a.m. and 6:00 p.m. Monday to Saturday inclusive. Blasting will not be permitted when atmospheric conditions prevent a clear observation at a distance of not less than three hundred (300) feet from the place where the blasting is to be carried on, except by special permission of the City Engineer.
- (g) When blasting is being carried on, the person carrying on such blasting shall provide at least two competent assistants and as many additional competent assistants

as circumstances may require to warn all occupants of buildings in the vicinity and to take all reasonable precautions to adequately safeguard such occupants, and also to guard all persons and vehicles from approaching within the danger zone of such blasting.

- (h) No person shall carry on blasting within a radius of one thousand (1,000) feet of any school building during school hours, or of any hospital until the Superintendent or the person in charge thereof shall have been given twenty-four (24) hours notice in writing setting forth the time and exact locations where such blasting will be carried on.
- (i) Before blasting upon any property adjacent to any Public Utility, the person to whom the blasting permit has been issued shall give at least twenty-four (24) hours notice in writing to the owner thereof, setting out the time and exact location where such blasting will be carried on, and such person shall safeguard such Public Utility from injury or damage from such blasting.
- (j) Subject as hereinbefore provided, Blasting Permits issued pursuant to this Bylaw shall terminate on the date specified in such Permit and no permit shall be issued for a longer period than twenty-eight (28) days.

Penalties

- 4. Every person who violates any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw, or who does any act which constitutes a violation of any of the provisions of this Bylaw, shall be deemed to be guilty of an infraction hereof and shall upon conviction therefor be liable to a fine not exceeding the sum of Two Thousand (\$2,000) Dollars.

Repeal

5. Blasting Bylaw No. 3278 is hereby repealed.

READ A FIRST TIME THIS 13TH DAY OF DECEMBER, 1993.


READ A SECOND TIME THIS 13TH DAY OF DECEMBER, 1993.

READ A THIRD TIME THIS 13TH DAY OF DECEMBER, 1993.

RECONSIDERED AND FINALLY ADOPTED THIS 30TH DAY OF DECEMBER,
1993.



Mayor



Clerk

CITY OF PORT ALBERNI
CITY ENGINEERING DEPARTMENT
PERMIT FOR BLASTING

DATE: _____

PERMIT NO. _____

Permission is hereby granted to: _____
(Name of Blaster doing work)

to carry on blasting operations
on behalf of: _____

within the limits of the property hereinafter described:

(Blaster's Certificate No.)

(Blaster's Address)

(Blaster's Phone)

This permit expires twenty-eight (28) days from the date hereof and is issued pursuant to the "Blasting Bylaw" and Amending Bylaws of the City of Port Alberni.

Certificate of Insurance from _____ has been filed with the City.
(Insurance Co. & Policy No.)

Receipt of _____ in the amount of \$ _____
(Guarantor Bond OR Cash Deposit)
is hereby acknowledged.

Permit Fee \$ _____.

City Engineer